

AMENDMENTS TO THE DRAWINGS

In accordance with 37 CFR 1.121(d), replacement drawing sheets are submitted herewith.

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### REMARKS

Claims 1-18 are pending in this case. In an Office Action mailed July 14, 2005, claims 1-10 and 13-18 were rejected under 35 U.S.C. § 102(b) and Claims 11 and 12 were rejected under 35 U.S.C. § 103(a). Applicant respectfully disagrees.

In addition, the drawings were objected to under 37 CFR 1.83(a). In accordance with 37 CFR 1.121(d), applicant submits replacement drawing sheets to correct these errors. In addition, applicant submits amendments to the specification to correspond with the replacement drawing sheets.

#### Objection to Drawings Under 37 CFR 1.83(a)

The Office Action objects to the drawings stating that the drawings must show every feature or the invention specified in the claims. Specifically, the Office Action notes that "the free edges of the first and second flaps [being] composed of straight line-segments" (as recited in Claim 6) is not shown in the drawings. Applicant submits new FIGURE 4, which shows the free edges of the first and second flaps composed of straight line-segments. Support for this new drawing is found in the specification as filed, at page 5, lines 9-10 and page 9 (Claim 6).

The Office Action further points out several typographical errors in FIGURES 2 and 3. In response and in accordance with 37 CFR 1.121(d), applicant submits replacement drawing sheets to correct these typographical errors. First, the Office Action states that reference numbers 20 and 50 have not been described in the specification. To correct this typographical error, applicant has added reference number 20 to the paragraphs beginning at page 4, line 25, and page 5, line 6 of the specification, referring to the "external vaginal area." In addition, applicant has removed reference number 50 from FIGURES 2 and 3.

Second, the Office Action states that no lines are present for reference numbers 46 and 50 in FIGURE 3. As noted above, reference number 50 has been removed from FIGURES 2 and 3.

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Applicant further notes that reference number 46 without a line is a redundant number, as reference number 46 *with a line* exists left of center of FIGURE 3. Thus, applicant has removed redundant reference number 46 from FIGURE 3 to correct this typographical error.

Claim Rejections Under 35 U.S.C. § 102(b)

Claims 1-10 and 13-18 have been rejected as being anticipated by U.S. Patent No. 3,224,448, issued to Diebold (hereinafter "Diebold"). Applicant respectfully disagrees. Applicant's analysis focuses primarily on independent Claims 1, 17, and 18 because dependent Claim 2-16 include all of the features of Claim 1.

Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention. As discussed in detail below, Diebold fails to teach each and every element of independent Claims 1, 17, and 18.

Claim 1 recites an article of clothing including a body-encircling portion having right and left leg portions and a crotch portion. The crotch portion includes a first flap and a second flap each having a free edge. The crotch portion is positionable between open and closed positions. When the crotch portion is in the closed position, the first and second flaps overlap to form a covering for an external vaginal area of a user, the free edge of the first flap and the free edge of the second flap are displaced from a centerline of the external vaginal area of the user, and *at least one free edge is not substantially parallel to the centerline of the external vaginal area of the user.*

Regarding the rejection of Claim 1, Diebold fails to teach "*at least one free edge is not substantially parallel to the centerline of the external vaginal area of the user,*" as recited in Claim 1. Referring to Diebold's FIGURE 4, Diebold discloses that all of the free edges of the closed flaps are substantially parallel to the centerline of the external vaginal area of the user.

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Claim 17 recites an article of clothing including a body-encircling portion having right and left leg portions and a crotch portion. The crotch portion includes a first flap and a second flap each having a free edge. The crotch portion is positionable between open and closed positions. When the crotch portion is in the closed position, the first and second flaps overlap to form a covering for an external vaginal area of a user, *wherein the covering is anatomically-compatible*.

Regarding the rejection of Claim 17, Diebold fails to teach "*wherein the covering is anatomically-compatible*," as recited in Claim 17. The term "anatomically-compatible" is defined in the specification at page 5, lines 17-24, which reads as follows:

Anatomically-compatible is defined as fitting the body part or area in a comfortable and proper way, for example, in the way that a sock fits a foot or a glove fits a hand. The first and second flaps 40 and 42 are positioned, shaped, and sized to anatomically fit the external vaginal area. To this end, the covering 54 provides a substantially flat and seamless area with which it may directly cover the external vaginal area of the user. When the article of clothing is worn by the user, the covering 54 conforms to the external vaginal area to form a substantially concave, or crescent-shaped, covering with inward roundness against the external vaginal area of the user.

Referring again to Diebold's FIGURE 4, the Diebold sections or flaps 22 and 23 are generally rectangular in shape (see Diebold, Column 2, lines 33-37) and thus are not designed to be "anatomically-compatible" with the external vaginal area, as defined in the specification. That is, the Diebold flaps 22 and 23 do not form a covering that "conforms to the external vaginal area to form a substantially concave, or crescent-shaped, covering with inward roundness against the external vaginal area of the user."

Finally, Claim 18 recites an article of clothing including a body-encircling portion having right and left leg portions and a crotch portion. The crotch portion includes a first flap and a second flap each having a free edge. The crotch portion is positionable between open and closed positions. When the crotch portion is in the closed position, the first and second flaps overlap to

form a covering for an external vaginal area of a user, *wherein the covering is a substantially flat and seamless area that covers the external vaginal area of the user.*

Regarding the rejection of Claim 18, Diebold fails to teach "*wherein the covering is a substantially flat and seamless area that covers the external vaginal area of the user,*" as recited in Claim 18. The term "substantially flat and seamless area" is defined in the specification at page 5, line 26, to page 6, line 10, which reads as follows:

Still referring to FIGURE 2, the substantially flat and seamless area of the covering 54 protects the external vaginal area of the user when the crotch portion 38 is in a closed position. For purposes of this detailed description, the external vaginal area includes the labia majora (or the outer pair of lips) of the vagina and the outer organs of the vagina. When the crotch portion 38 is in a closed position, the free edges 44 and 46 of the first and the second flaps 40 and 42 are spaced laterally outward from the centerline of the vaginal area of the user to ensure that the covering 54 does not have a seam disposed along the centerline of the external vaginal area of the user. Moreover, when in a closed position, at least one line segment of the free edge 44 of the first flap 44 and at least one line segment of the free edge 46 of the second flap 42, are not substantially parallel to the centerline of the external vaginal area of the user. The edges of the anatomically-compatible covering 54 may be spaced outward from the external vaginal area so that they may generally lie at the crease between a woman's upper thigh and pelvic area. By spacing the free edges 44 and 46 of the first and second flaps 40 and 42 from the centerline of the vaginal area, the seams are impeded from entering the labia majora or causing irritation to the sensitive areas of the external vaginal area.

Again referring to Diebold's FIGURE 4, the Diebold flaps are not designed to define a "substantially flat and seamless area," as defined in Claim 18. As described in the passage quoted above, a "substantially flat and seamless area" does not have a seam disposed along the centerline of the external vaginal area of the user. In contrast, Diebold teaches flaps that overlap near the centerline of the external vaginal area of the user (see FIGURES 2, 4, and 5), and not away from the centerline, such as at the crease between the woman's upper thigh and the pelvic area as described in the present invention.

In view of the above remarks, applicant respectfully submits that the rejections of Claims 1-10 and 13-18 under 35 U.S.C. § 102(b) are all improper because Diebold fails to teach, or even suggest, each and every element of the claimed embodiments. For example, Diebold fails to teach at least one free edge of a flap that is not substantially parallel to the centerline of the external vaginal area of the user, as recited in Claim 1; a covering that is anatomically-compatible, as recited in Claim 17; or covering that is a substantially flat and seamless area that covers the external vaginal area of the use, as recited in Claim 18. Accordingly, applicant respectfully requests that the rejections under 35 U.S.C. § 102(b) be withdrawn.

Claim Rejections Under 35 U.S.C. § 103(a)

Claims 11 and 12 have been rejected as being obvious over Diebold, combined with U.S. Patent No. 2,812,516, issued to Hoffman (hereinafter "Hoffman"). The Office Action admits that Diebold fails to teach snap fasteners, stating that Hoffman discloses the missing fasteners. The Office Action states that it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the crotch opening of Diebold with the teaching of Hoffman to include the snap fasteners to secure the crotch flap closed as desired. Applicant respectfully disagrees.

To establish a *prima facie* case of obviousness, all of the claim limitations must be taught or suggested by the prior art. Because Claims 11 and 12 depend from Claim 1, these claims include all of the features of Claim 1. As discussed above, Diebold fails to teach each and every feature of Claim 1, specifically, "*at least one free edge is not substantially parallel to the centerline of the external vaginal area of the user.*" The deficiencies of Diebold are not cured by the teachings of Hoffman. Accordingly, applicant respectfully requests that the rejections under 35 U.S.C. § 103(a) be withdrawn.

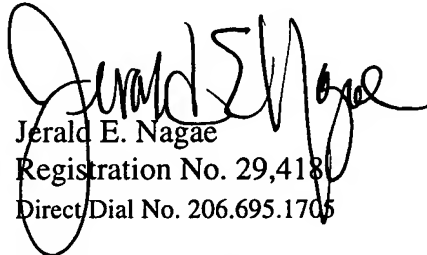
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### CONCLUSION

In view of the foregoing remarks, applicant respectfully requests reconsideration and allowance of all claims. Applicant respectfully submits that independent Claims 1, 17, and 18, as well as dependent Claims 2-16 are allowable for the reasons discussed above. In addition, dependent Claims 2-16 have further limitations that distinguish over the cited references of record, whether taken individually or in hypothetical combination. Therefore, applicant respectfully submits that all claims in the present application should be found allowable. The Examiner is invited to telephone the undersigned attorney if any issues remain.

Respectfully submitted,

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